Amendment and Response under 37 C.F.R. 1.116
Applicant: Mark Haines et al.
Serial No.: 10/635,409
Filed: August 6, 2003
Docket No.: 200210234-1
Title: FILTER FOR PRINTHEAD ASSEMBLY

REMARKS

The following Remarks are made in response to the Final Office Action mailed October 13, 2006, in which claims 5 and 29 were allowed, claims 1-3, 6-10, 12, 25-27, 30-32, 41-43, and 45-47 were rejected, and claims 44 and 48 were objected to.

With this Amendment, claims 1 and 25 have been cancelled without prejudice, claims 2, 3, 6, 7, 8, 9, 12, 26, 27, 30, 31, and 41-48 have been amended, and allowable claims 44 and 48 have been rewritten in independent form. Claims 2, 3, 5-10, 12, 26, 27, 29-32, and 41-48, therefore, remain pending in the application and are presented for reconsideration and allowance.

This Amendment is being submitted to further prosecution and permit the issuance of a patent on the allowable subject matter, and should not be construed as acquiescence by Applicant in any outstanding objections or rejections. In addition, Applicant reserves the right to pursue the content of any cancelled claims in a continuing application.

Applicant notes that claims 2, 3, 6, 7, 8, 9, 12, 26, 27, 30, 31, 41-43, and 45-47 have been amended only to change dependency, and submits that these amendments do not raise new issues that would require further consideration and/or search and are within the scope of a search properly conducted under the provisions of MPEP 904.03.

Claims Objection

Claims 42, 43, 46, and 47 are objected to because of the following informalities: claims 42, 43, 46, and 47 contain idiomatic English, specifically for the phrase "externally of the frame."

With this Amendment, claims 42 and 46 have been amended to clarify that "the first fluid port" communicates externally of the frame, and claims 43 and 47 have been amended to clarify that "the second fluid port" communicates externally of the frame. Applicant, therefore, respectfully requests that the objection to claims 42, 43, 46, and 47 be reconsidered and withdrawn, and that claims 42, 43, 46, and 47 be allowed.

Claim Rejections under 35 U.S.C. § 102

Claims 1-3, 6-10, 12, 25-27, 30-32, 41-43, and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Arashima et al. US Patent No. 5,481,289.

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With this Amendment, claims 1 and 25 have been cancelled without prejudice. In addition, dependent claims 2, 3, 6, 7, 8, 9, 10, 12, and 41-43 have been amended to depend directly or indirectly from allowable claim 44, and dependent claims 26, 27, 30, 31, 32, 45-47 have been amended to depend directly or indirectly from allowable claim 48. The rejection of claims 1-3, 6-10, 12, 25-27, 30-32, 41-43, and 45-47 under 35 U.S.C. 102(b), therefore, is rendered moot.

Allowable Subject Matter

Claims 5 and 29 are allowed. Applicant appreciates the indicated allowance of these claims.

Claims 44 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 44 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (none). Accordingly, Applicant has amended claims 2, 3, 6, 7, 8, 9, 10, 12, and 41-43 to depend directly or indirectly from rewritten independent claim 44. As rewritten claim 44 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 2, 3, 6, 7, 8, 9, 10, 12, and 41-43 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 44 be withdrawn and that claims 2, 3, 6, 7, 8, 9, 10, 12, 41-43, and 44 be allowed.

With this Amendment, Applicant has rewritten allowable claim 48 in independent form to include all of the limitations of the base claim (claim 25) and any intervening claims (none). Accordingly, Applicant has amended claims 26, 27, 30, 31, 32, and 45-47 to depend directly or indirectly from rewritten independent claim 48. As rewritten claim 48 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 26,

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27, 30, 31, 32, and 45-47 are allowable in dependent form. Applicant, therefore, respectfully

requests that the objection to claim 48 be withdrawn and that claims 26, 27, 30, 31, 32, 45-47,

and 48 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 2, 3, 5-10, 12, 26, 27, 29-32, and 41-48 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Thomas A. Jolly at Telephone No. (541) 715-7331, Facsimile No. (541) 715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this ___11TH___ day of December, 2006.

By
Name: Scott A. Lund